

REMARKS

By this amendment, claims 1-25 are pending are pending, in which claims 23-25 are newly presented. No new matter is introduced.

The Office Action mailed August 11, 2003 rejected claims 1-4, 6, 10, 18, and 19 as obvious under 35 U.S.C. § 103 based on *Lung et al.* (US 6,292,549), claims 5 and 20 as obvious under 35 U.S.C. § 103 based on *Lung et al.* in view of *Solomon et al.* (US 5,361,295), and claims 7-9 as obvious under 35 U.S.C. § 103 based on *Lung et al.* in view of *Yamadera et al.* (US 5,444,477).

The allowability of claims 11-17 is noted with appreciation.

It is noted that the Office Action (page 3), as regards the rejection of dependent claims 2 and 3, refers to *Grimes et al.* However, *Grimes et al.* is not applied in the present Office Action.

The rejection of claims 1-10 and 18-22 is respectfully traversed because the references, individually or in combination, fail to teach or otherwise suggest the features of the claims. For example, independent claim 1 recites, with added emphasis:

1. In a telecommunications network, a method comprising the steps of:
receiving a request to forward calls directed to a first destination to a second destination; and
contacting the second destination to **obtain an approval for the request to forward calls** from the first destination to the second destination.

In addition, independent claim 18 recites (emphasis added):

18. A call forwarding system comprising:
a switch for directing calls intended for a first destination to a second destination when call forwarding is activated; and
approval logic coupled to the switch for contacting the second destination to **obtain approval for the request to direct the calls** from the first destination to the second destination **before call forwarding is activated**.

The Office Action once again acknowledges the deficiencies of *Lung et al.* with respect to the above claim feature (page 2, item 2). This time, however, the Office Action (page 2, item 2)

resorts to merely concluding that “this feature would have been obvious since it is notorious and well known in the art.” Applicants respectfully contend that reliance on this conclusion, without presentation of substantial evidence, fails to establish a *prima facie* case of obviousness. Such a conclusion is insufficient as a matter of law, because such conclusory statements, premised on “common knowledge and common sense,” fail to fulfill requirements of the Administrative Procedure Act, *In Re Sang Su Lee*, No. 00-1158 (Fed. Cir. Jan. 18, 2002), and that deficiencies of the cited references cannot be remedied by general conclusions about what is “basic knowledge” or “common sense.” *In Re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697.

Additionally, to the extent that Official Notice is taken, although the Examiner may in some instances take Official Notice of certain facts to fill in the gaps, such facts should not comprise the principle evidence upon which a rejection is based. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970).

Further, in drawing its conclusion, the Office Action has ignored the basic tenets of obviousness. In rejecting claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by *Graham v. John Deere Co.*, 86 S. Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference to arrive at the claimed invention. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

The *Lung et al.* system (per the Abstract) provides routing analog Caller ID signals by receiving an incoming telephone call for a first telephone extension, the incoming telephone call

associated with a first set of analog Caller ID signals, asserting a ringing signal to the first telephone extension, the ringing signal including the first set of analog Caller ID signals, coupling the incoming call to the first telephone extension, receiving a request to couple the incoming call from the first telephone extension to a second telephone extension, receiving a request to send the first set of analog Caller ID signals to the second telephone extension, and asserting a ringing signal to the second telephone extension, the ringing signal including the first set of analog Caller ID signals.

At best, the *Lung et al.* system provides a standard call forwarding scenario, whereby the second telephone extension is provided with the first set of analog Caller ID signals. Nowhere in *Lung et al.* is there any suggestion for modifying the operation for obtaining approval from the second telephone extension. In fact, *Lung et al.* teaches away from the claimed invention in that no approval by the user associated with the second telephone extension is ever required because the user simply views the CallerID information to determine how to handle the call.

The secondary references of *Solomon et al.* and *Yamadera et al.* do not fill in the gaps of *Lung et al.*

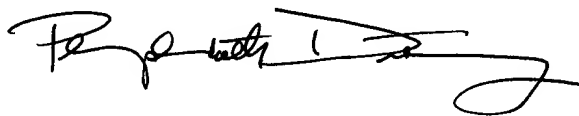
Therefore, Applicants respectfully request the withdrawal of the obviousness rejections.

As regards newly added claims 23-25, independent claim 23 is directed to a method of processing a multi-media call, and recites “**obtaining an approval for the request from the second destination to forward the multi-media call** from the first destination to the second destination.” This feature has full support in the Specification (e.g., page 6, lines 10-12) and is absent in the art of record. Thus, claim 23 is allowable. Claims 24 and 25 respectively recite “wherein the multi-media call supports one of a facsimile session, an email session, a paging session, and a video session” and “wherein the approval is obtained via a web interface.” Claims 24 and 25 depend from independent claim 23, and accordingly, are allowable.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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